

First Named Inventor : Mark W. CATER et al.	
Appln. No. : 10/518,292	
Filed : June 17, 2003	Art Unit: 4174
Title : Oxygen Scavenging System	Examiner: Kashnikow
Docket No. : N2.12-1	

RESPONSE AFTER FINAL

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

REMARKS

This is in response to the final Office Action mailed on June 23, 2009, in which claims 1-30 were pending. Claims 1-4, 6-10, 12-19 and 24-30 were rejected as obvious over Lehtonen in view of Akao and dictionary.com definition of “dextrose”. Claims 5, 11 and 20-23 were rejected as obvious over the Lehtonen/Akao/dictionary.com combination further in view of either Stougaard or Ernst. However, all of claims 1-30 are in condition for allowance, and reconsideration and notice to that effect are respectfully requested.

Applicant respectfully thanks the Examiner for the telephone interview conducted between the undersigned and the Examiner to conclusion on August 19, 2009. The distinction between claims 29 and 30, which are “consisting of” claims, relative to claims 1-28, which are “consisting essentially of” claims, was discussed, and it was agreed that the final Office Action did not address the “consisting of” claims 29 and 30. As “consisting of” claims, the inventions defined by claims 29 and 30 are not disclosed or suggested by the prior art, and should be allowed.

Regarding the “consisting essentially of” claims the final Office Action stated:

Further, the burden is on the applicant to show that the additional ingredients in the prior art, i.e., iron, would in fact be excluded from the claims and that such ingredients would materially change the characteristics of the applicant’s invention, See MPEP 2111.03. Examiner also points out that in the rejection’s current format the only